

Application No. 10/567,241  
Request for Reconsideration under 37 CFR 1.111  
Reply to Office Action dated April 28, 2009  
July 28, 2009

REMARKS

Currently, claims 1-27 are pending in the application.

Claims 1-2, 14 and 16-27 were rejected under 35 USC 102(e) as being anticipated by Sasaki (U.S. Patent Application Publication No. 2005/0080985). Also, claims 3-9 and 15 were rejected under 35 USC 103(a) as being obvious over Sasaki in view of Hayashi et al. (U.S. Patent No. 5,434,618). Further, claims 10-13 were rejected under 35 USC 103(a) as being obvious over Sasaki in view of Hayashi et al., and further in view of Koizumi et al. (U.S. Patent Application Publication No. 2003/0026030).

These rejections are respectfully traversed in view of the remarks below.

Applicants respectfully submit that these rejections based on Sasaki are not proper because this application claims priority to the August 3, 2004 PCT application filing date, and this application's priority date is earlier than the U.S. filing date of Sasaki which is August 16, 2004. This August 16, 2004 filing date can be seen from the patent that issued for Sasaki's application and this patent number is U.S. Patent No. 7,472,251.

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Specifically, applicants believe that the Examiner was relying on the April 14, 2003 international filing date of Sasaki (International Patent Application No. PCT/JP03/04709) to make the 35 USC 102(e) and 103(a) rejections. Applicants respectfully submit that Sasaki's International Application was published in Japanese (not English) as International Patent Application Publication No. WO 03/088044. Since the Sasaki's PCT application was published in Japanese, the Examiner cannot rely on the filing date of Sasaki's International Patent Application listed in Sasaki's U.S. Patent Application Publication No. 2005/0080985.

Therefore, applicants respectfully request the Examiner to withdraw these rejections since the August 3, 2004 priority date of applicant's international application (PCT/JP2004/011427) is earlier than the August 16, 2004 U.S. filing date of Sasaki.

Applicants also submit that this application is now in condition for allowance and an action to this effect is respectfully requested.

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If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 28, 2009



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